

AGENDA

BOARD OF MAYOR AND ALDERMEN

July 19, 2005

7:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.
3. Presentation of certificates to contributors to the Manchester Art Fund.
4. Introduction of the Somali Development Center and presentation to Kathy Marchocki for news coverage of refugee issues.
5. Presentation by members of The Hands Across The Merrimack Committee.
6. Presentation and report of the Mayor's Commission on the Office of Youth Services.

CONSENT AGENDA

7. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A. Minutes of meetings of the Board of Mayor and Aldermen held on May 3, 2005 and May 17, 2005 (three meetings).
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Ratify and Confirm Polls Conducted

- B.** From June 29 through July 1, 2005 approving to proceed with the process for granting an access easement across the former NH Central Railroad bed to 534 Douglas Street and authorizing the Mayor to execute same subject to the review and approval of the City Solicitor and State of NH Department of Transportation.
(Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, Garrity, Smith, Thibault and Forest voted yea. Alderman DeVries was unavailable.)
- C.** On July 1, 2005 approving designation of the immediate block surrounding the Brown School (Amory, Alsace, Kelley & Joliette) a "City Target Area."
(Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. Alderman O'Neil was unavailable.)
- D.** On July 1, 2005 a majority of the Board voted to advise that their intention and understanding was that the resolution adopted March 15, 2005 provided for the transfer of \$18,000 from the City's General Fund Contingency to the Parks Department, and that the resolution did not provide for any transfer from the Parks and Recreation – Enterprise Contingency.
(Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest recalled transfer from General Fund Contingency. Alderman Guinta recalled transfer from P&R – Enterprise Contingency and Alderman Garrity was unavailable.)
- E.** On July 13, 2005 authorizing the Police Chief to apply for a U.S. Department of Justice grant in the amount of \$321,000 on behalf of the Manchester Police Department and Nashua Police Department for the COPS FY2005 Interoperable Communications Technology Program and further that the Manchester Police Department as the lead agency will be responsible for accepting and distributing the grant monies to both communities and enter into a Memorandum of Understanding between both entities.
(Aldermen Roy, Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. Alderman Gatsas awaiting additional information.)

Approve under the supervision of the Department of Highways

- F.** PSNH Pole Petition 11-1073 located on Cohas Road;
PSNH Pole Petition 11-1074 located on Bicentennial Drive; and
Verizon Pole Petition 9AAVWB located on Summerside Avenue.

Informational – to be Received and Filed

- G.** Minutes of the Mayor's Utility Coordinating Committee meeting held on June 15, 2005.
- H.** Communication from David Smith, MTA Executive Director, advising of the installation of bus stop signs throughout the City, which is 80% federally funded by the Federal Transit Administration.
- I.** Minutes of the MTA Commission meetings held on April 26, 2005 and May 31, 2005 and the Financial and Ridership Reports for the months of April and May 2005.
- J.** Copy of a communication from Charles Schmidt, Chief of Design Services of the State of NHDOT to Thomas Seigle, Chief Sanitary Engineer, advising that the review of the estimate for the Resident Inspection Cost Amendment and Construction Administration Cost Amendment for the relocation of the West Interceptor North-2 sewer main is found to be acceptable in the amount of \$17,518.00.
- K.** Communication from Kevin Urban, a Boy Scout with Troop 106, who is currently working on his Citizenship in the Community merit badge advising of his opinion that the \$2.4 million surplus from the state should be used to help students rather than reduce taxes and requesting a written response to his communication.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- L.** Communication from Kevin Sheppard, Deputy Public Works Director, submitting the Storm Water Ordinance and Storm Water Rules & Regulations as required by the EPA's Storm Water Management Plan.
- M.** Proposed ordinance amendment to Chapter 32: Boards, Commissions, and Departments, Section 32.092 Composition; Terms submitted by Michael Poisson, Chairman of the Conservation Commission.

COMMITTEE ON FINANCE

- N.** Resolution:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- O.** Recommending that the 4th quarter FY2005 write-off list for the account receivable module be approved.
- P.** Advising that it has accepted the City's Monthly Financial Statements for the eleven months ended May 31, 2005 submitted by the Finance Department, and is forwarding same to the Board for informational purposes.

- Q.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;
 - d) open invoice report all invoices due from the School Dept. only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary.
- and is forwarding same to the Board for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- R.** Advising that it has approved Ordinance:

“Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements.”

and recommends that same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON COMMUNITY IMPROVEMENT

- S.** Recommending that a five-year lease agreement between the City of Manchester and the Manchester Community Resource Center for the building at 177 Lake Avenue be granted and approved, and that the Mayor be authorized to execute same, subject to the review and approval of the City Solicitor.
- T.** Recommending that with regard to a petition to discontinue a portion of Auburn South Back Street, the Board find that the subject area of the petition and 50' beyond relating to Auburn South Back Street, having never been opened, built, nor used for public travel, be released and discharged pursuant to RSA 231:51. It is noted that this action is being taken on 150' of the street rather than the petitioned 100', thereby releasing the City's remaining interests in this street.

- U. Advising that with regard to a petition to discharge Sweet Lane, the Board of Mayor and Aldermen acted on a petition on October 7, 1958 by laying out and then discontinuing that portion of Sweet Lane running from Gamache Street southerly 115', at a width of 30', and therefore recommends that the Board find the remainder of Sweet Lane having never been opened, built, nor used for public travel be released and discharged pursuant to RSA 231:51.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- V. Advising that they have approved the expenditure of up to \$20,000 from the School Facilities Improvement Project contingency fund for the installation of additional sinks in school health offices at Central, West, Hillside and Southside.

COMMITTEE ON LANDS AND BUILDINGS

- W. Recommending that the Board of Mayor and Aldermen approve temporary leasing space for 350 vehicles at the JacPac site to Catholic Medical Center for approximately 12 months during construction subject to conditions as follows:

- 1) Catholic Medical Center will be provided sufficient space on the JacPac property to accommodate 350 automobiles;
- 2) Catholic Medical Center will provide evidence of comprehensive general liability insurance with a minimum limit of \$1,000,000.00 naming MHRA I, Inc. as a certificate holder;
- 3) parking shall be in areas designated on the attached site plan;
- 4) Catholic Medical Center, at its own cost and expense will provide maintenance, security and snow removal as necessary;
- 5) Catholic Medical Center agrees to pay MHRA I, Inc. \$15,750.00 monthly for lease of 350 parking spaces at \$45.00 per parking space;
- 6) in order to reserve this space, until construction starts, Catholic Medical Center agrees to pay MHRA I, Inc. 10% of the monthly lease, which is \$1,575.00, each month; and
- 7) the parties agree that if the Catholic Medical Center garage construction does not begin on or before March 1, 2006 thereafter either party may terminate this agreement upon thirty (30) days prior written notice. The agreement can also be extended with the written consent of both parties.

- X.** Recommending that the Board of Mayor and Aldermen find property located on a portion of South Bedford Street at South Commercial Street surplus to City needs and that said property be disposed of through sale to Nicholas Bonardi, subject to conditions. The Committee notes that it finds cause to dispose of the property in such manner in that it has been determined that there is no known City uses for the parcel, and that sale of such parcel can only benefit this abutter.

The Committee recommends that such disposition be subject to consolidation of said parcel with Tax Map 274, Lot 7A; and further subject to receipt by the City of One Dollar (\$1.00) and that this property be developed in accordance with the plan submitted on June 28, 2005, enclosed herein.

The Committee further recommends that the City Solicitor be authorized to prepare such documents as may be required to carry out such disposition and that the Mayor be authorized to execute such instruments as may be required subject to the review and approval of the City Solicitor.

LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.

- 8.** Nominations to be presented by Mayor Baines, if available.
- 9.** Confirmation of the nomination of James G. Folopoulos to succeed Jenny Stephen as a member of the Personnel Appeals Board, term to expire March 1, 2008.
A motion is in order to confirm the nomination as presented.
- 10.** Confirmation of the nomination of Marty Gavin to succeed himself as a member of the Conservation Commission, term to expire August 1, 2008.
A motion is in order to confirm the nomination as presented.

11. Confirmation of the nominations of the following individuals to the Parks, Recreation & Cemeteries Commission as presented:

Steve Johnson to succeed himself, term to expire July 7, 2008; and
George "Butch" Joseph to succeed himself, term to expire
July 7, 2008.

A motion is in order to confirm the nominations as presented.

12. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.

13. Mayor Baines calls the meeting back to order.

OTHER BUSINESS

14. Report(s) of the Committee on Finance, if available.

Ladies and Gentlemen, what is your pleasure?

15. Report of the Committee on Administration/Information Systems recommending that the Tax Collector be allowed to institute a 12-month pilot program to allow citizens to register their cars online, that the Tax Collector report back to the Committee on Administration at the end of the pilot program and that the City's check stock be utilized for this program. *(Note: communication from the Finance Officer advising that the Tax Collector and Finance requests using compatible laser checks rather than current stock.)*

If the Board so desires, a motion is in order to amend the report and accept report as amended.

16. Report of the Committee on Lands and Buildings, if available.

Ladies and Gentlemen, what is your pleasure?

17. Proposed amendment to the Manchester City Charter previously submitted by Mayor Baines providing for the deletion of Section 8.05 Incompatibility of Office and replacing it with a new Section 8.05 Incompatibility of Office.

This proposed amendment having had a public hearing, if the Board so desires it may order the following question to the November 8, 2005 Municipal General Election ballot:

“Shall the municipality approve the charter amendment reprinted below?”

§8.05 Incompatibility of Office.

- (a) No elected city official shall be employed by the city or by the school district until one(1) year has elapsed from the completion of the term for which the official was elected.
 - (b) Acceptance of an elected office by a city or by a school district employee shall result in termination of employment.
18. Communication from Alderman Osborne requesting the Board establish a policy reflecting actual votes on any Committee recommendation/report coming forward to the Board if other than a unanimous vote.
Ladies and Gentlemen, what is your pleasure?
19. Communication from Leo Bernier, City Clerk, requesting the Board set polling hours for the Non-Partisan Municipal Primary Election on Tuesday, September 20, 2005, from 6:00 AM until 7:00 PM.
Ladies and Gentlemen, what is your pleasure?
20. Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, October 8, 2005.
Ladies and Gentlemen, what is your pleasure?

21. Communication from Thomas Seigle, Chief Sanitary Engineer, requesting the Board accept five (5) sewer and drain easements relating to the West Bridge/Bremer Sewer Separation Project.
If the Board so desires, a motion is in order to accept the sewer and drain easements as presented, subject to the review and approval of the City Solicitor.
22. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.
(Note: Clerk to present amount at meeting.)
Ladies and Gentlemen, what is your pleasure?
23. Communication from Portsmouth Mayor Evelyn Sirrell requesting the City consider making a financial contribution of any size to the Seacoast Shipyard Association in light of the recent announcement that the Portsmouth Naval Shipyard be included on the Base Realignment and Closure Commission list to be submitted to President Bush.
(Note: Finance Officer's recommendation of June 7, 2005 was it be referred to the FY2006 budget as there will be Civic Contribution dollars available.)
Ladies and Gentlemen, what is your pleasure?
24. Communication from the NH African Community Center inviting members of the Board to participate in the New England African Caribbean Festival scheduled for August 27 and 28, 2005 and requesting the City consider becoming a sponsor.
Ladies and Gentlemen, what is your pleasure?
25. Request that the Board recognize the Manchester Committee on Efficiency and appoint three city employees to serve on the Committee submitted by Alderman Guinta.
Ladies and Gentlemen, what is your pleasure?

26. Bond Resolution: (A motion is in order to read by title only.)

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Dollars (\$4,000,000) for the 2006 CIP 711706, Cohas Brook Interceptor – Phase 2 #1 Project.”

A motion is in order that the Bond Resolution pass and be enrolled.

27. Resolution: (A motion is in order to read by title only.)

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

A motion is in order that the Resolution pass and be enrolled.

28. NEW BUSINESS

- a) Communications
- b) Aldermen

29. Communication from David Hodgen, Chief Negotiator, requesting to meet with the Board for a negotiation strategy session.

A motion is in order to recess the regular meeting to meet with the Chief Negotiator for a negotiation strategy session.

30. Mayor Baines calls the meeting back to order.

31. If there is no further business, a motion is in order to adjourn.